IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.6755 OF 2006

M/s.Kellogg India Pvt.Ltd. .. .. Petitioners
v/s.
Union of India & ors. .. .. Respondents

Mr.Basil Menezes for petitioners.
Mr.Y.S.Shinde with Mr.S.R.Shinde for respondents.

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATED : 12th October 2006

P.C. :

1. Heard the learned Counsel for the parties.

2. This Petition seeks to challenge the order in original dated 22nd August 2006 which decides the liability of the petitioners on the basis of the show cause notice issued way back on 2nd March 1998 for the period August 1997 to January 1998. Surely, the petitioners have a remedy to file an Appeal before the Commissioner of Central Excise (Appeals). Inasmuch as an alternate remedy is available, this Court is not expected to interfere.

3. Mr.Menezes appearing for the petitioners submits that the impugned order is an ex-parte order. Prima facie, the officer concerned has

passed the order in view of the notices sent from time to time and repeated adjournments sought on behalf of the petitioners. In any case, if the petitioners want to make any submission with respect to adequate opportunity, that also can be made before the Appellate Forum.

4. Petition dismissed.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)